California Code of Regulations Title 4. Business Regulations Division 3. Bureau of Home Furnishings

Proposed Language

Amend section 1101 of Article 1 to read as follows:

1101. Definitions of Bureau and Act.

For the purposes of these rules and regulations, the term "Bureau" means the Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u>, and the term "act" means Chapter 3 of Division 8 of the Business and Professions Code, which chapter is also cited as the Home Furnishings Act.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19000 and 19004, Business and Professions Code.

Amend section 1126 of Article 2 to read as follows:

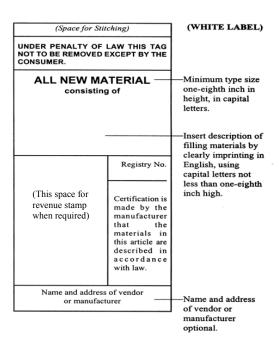
1126. Official Law Label Requirements.

- (a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.
- (b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.
- (c) Color of Label and Color of Ink:
 - (1) A white law label printed in black ink shall be used for new materials.
 - (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
 - (3) A green label printed in black ink shall be used for "Owner's Material."
- (d) Statements and Headings to be Shown on Law Labels:
 - (1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label.
 - (2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in whole or in part secondhand.
 - (3) Description of filling material as provided in the applicable regulations.
 - (4) For owner's own materials the heading shall state: "THIS ARTICLE NOT FOR SALE" "OWNER'S MATERIAL."
 - (5) The registry number assigned or approved by the Bureau.
 - (6) "Certification is made by the manufacturer that the materials in this article are described in accordance with law."

- (7) For owner's own materials the certification portion of the label shall state: "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING."
- (8) For owner's own materials the name and address of the owner.
- (9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.
- (10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.
- (11) All bulk filling materials which meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013, dated <u>March 2000 January 2013</u> shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: "THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013."</u>
- (12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013, dated <u>March 2000 January 2013</u> shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013.
- (e) Size of Law Labels and Type of Printing:
 - (1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
 - (2) The minimum size of type shall be one-eighth inch in height, in capital letters.
 - (3) All printing shall be in English.
- (f) Forms of Law Labels.

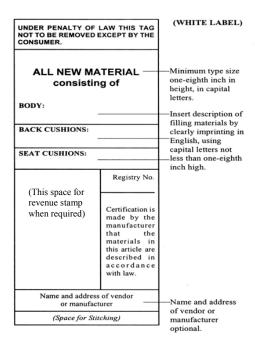
Type No. 1

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.

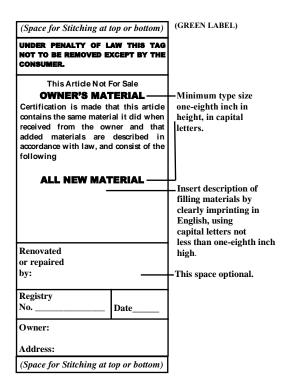


Type No. 2

For articles of furniture with loose cushions.

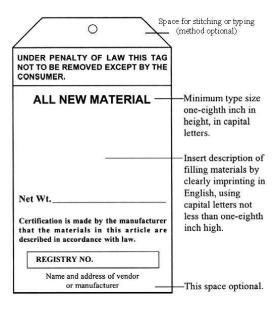


For owner's own materials.



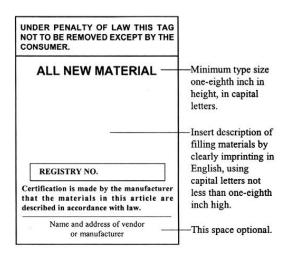
Type No. 4

For bulk filling materials such as batting and pads.



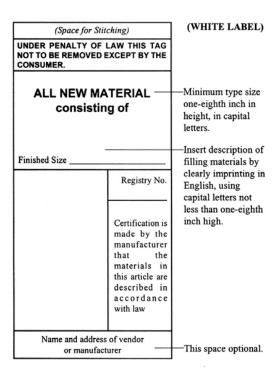
Type No. 5

For packaged filling materials ready for use by the ultimate customer.



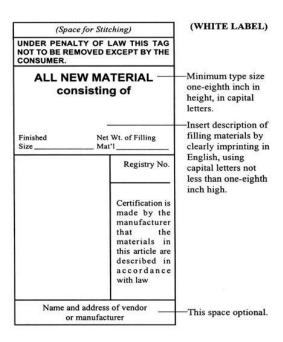
Type No. 6

For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.



Type No. 7

For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.



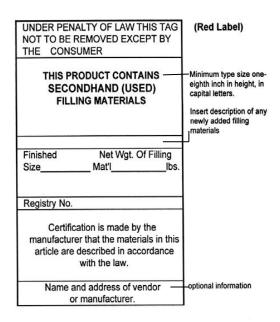
Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.



Type No. 9

For bedding articles that contain whole or in part any secondhand (used) filling materials.



Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

Amend section 1370 of Article 13 to read as follows:

1370. <u>Fire Resistant</u>, Flame Resistant, Flame Retardant.

- (a) On and after July 1, 2014, Filling materials and cover fabrics labeled as "fire resistant," "flame retardant" and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture," dated March 2000 January 2013 which is incorporated by reference.

 This section shall not apply to articles of furniture manufactured prior to July 1, 2014.
- (b) Fabrics labeled as "flame resistant," "flame retardant," and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 105, entitled, "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Fabrics," dated January 1980.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

Amend Section 1373.2 of Article 13 to read as follows:

1373.2. Flammability; Flexible Polyurethane Foam.

On and after July 1, 2014, Aall flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or packaged), except polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or in or as a mattress, that is offered for sale to the general public at retail outlets in this state for non-commercial or non-manufacturing purposes shall meet the test requirements set forth in Section A, Part I; Section A, Part II and Section D, Part II Section 3, Resilient Filling Material Test of the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture," dated March 2000 January 2013. This section shall not apply to flexible polyurethane foam manufactured prior to July 1, 2014.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

Amend section 1374 of Article 13 to read as follows:

1374. Flammability; Upholstered and Reupholstered Furniture.

- (a) On and after July 1, 2014, Aall filling materials and cover fabrics contained in any article of upholstered furniture, and all filling materials added to reupholstered furniture, shall meet the test requirements as set forth in the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture," dated March 2000 January 2013. This section shall not apply to filling materials and cover fabric manufactured prior to July 1, 2014.
- (b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of Home Furnishings Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.
- (c) On and after March 1, 1992, aAll upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled "Flammability Test Procedure For Seating Furniture For Use in Public Occupancies," dated January 1991.
- (d) For purposes of this section, the term "public occupancies" shall mean:
 - (1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.
 - (2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.
 - (3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.

- (4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.
- (5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.
- (6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.
- (e) Public occupancies and public assembly areas, as defined in section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13-1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall either comply with the requirements of section 1374(a) and may comply with or the requirements of section 1374(c).
- (f) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

Repeal section 1374.1 of Article 13 as follows:

1374.1. Exemptions.

(a) Articles exempted from the provisions of Section 1374 of these regulations shall have a label attached to the surface area of the article, in plain view stating the following:

NOTICE

THIS ARTICLE DOES NOT MEET CALIFORNIA BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS-TECHNICAL BULLETIN 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) The minimum size of the label shall be 2 x 3 inches and the minimum size of type shall be one-eighth inch in height. All type shall be in capital letters.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19081 and 19161.5, Business and Professions Code.

Amend section 1374.2 of Article 13 to read as follows:

1374.2. Criteria for Exemption.

Articles of upholstered furniture, other than furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria shall be exempt from compliance with the provisions of Section 19161 of the Home Furnishings Act:

(a) Cushions and pads intended solely for outdoor use.

- (b) Any article which is smooth surfaced and contains no more than one-half (1/2) inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.
- (c) Strollers, infant carriers, and nursing pillows Bassinets, booster seats, car seats, changing pads, floor play mats, highchairs, highchair pads, infant bouncers, infant carriers, infant mattresses, infant mattress pads, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, and strollers.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.5, Business and Professions Code.

Amend section 1374.3 of Article 13 to read as follows:

1374.3. Labeling.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETINS 116 AND 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS
THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME
FURNISHINGS TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN
FLAME OR WITH BURNING CIGARETTES.

(d) Minimum size of the label for subsections (a), (b) and (c) shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.

(e) All flammability labels described in sections 1373.1, 1374.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

Amend section 1383.2 of Article 15.5 to read as follows:

1383.2. Fines.

Rule* Description

Records (sanitization)

1256

(a) The chief shall assess fines in accordance with the following schedule: provided, however, in no case shall the total exceed \$2,500 for each inspection made with respect to the violation.

Range of Fines

100 to 1,000

Article 1. General Provisions.				
1108	Procedure Re License	\$150 to 1,500		
1109	"Withhold from Sale" Tag	100 to 1,000		
1110	Names of Filling Materials	100 to 1,000		
1113	Deviation from Percentages Stated	100 to 1,000		
1114	Water Repellent, Water Resistant	100 to 1,000		
1116	Mildew Proof, Mildew Resistant	100 to 1,000		
1118	Moth Proof, Moth Resistant	100 to 1,000		
1119	Bacteria Proof, Odor Resistant	100 to 1,000		
1120	Stain Proof, Stain Resistant	100 to 1,000		
1121	Soil Resistant, Soil Repellent	100 to 1,000		
Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.				
1125		100 to 1,000		
1126	Official Law Label Requirements	100 to 1,000		
1120	Smolar Law Labor Roquilomonio	100 10 1,000		
Article	2.5. Universal Filling Requirements.			
1130	Cleanliness	100 to 1,000		
1131	Oil and Grease Limitations	100 to 1,000		
1132	Trash Limitation – Vegetable Fibers	100 to 1,000		
1133	Sludge Limitations	100 to 1,000		
1134	Residue Limitations	100 to 1,000		
Article 3. Universal Definitions and Labeling.				
1135	Terms of Definition and Label Requirements	100 to 1,000		
1137	Care Instructions	100 to 1,000		
Article 5. Plumage Regulations.				
	Plumage Products - Comply with Federal Standards	100 to 1,000		
Article 9. Sanitization Regulations.				
1253	Chamber Identification	100 to 1,000		
1254	Lot (sanitization)	100 to 1,000		
		100 to 1,000		

1258 1265 1266	Method of Sanitization Disinfecting (sanitization) Official Sanitization Label (sanitization) Requirements	100 to 1,000 100 to 1,000 100 to 1,000
Article 1 1301 1302 1304.1 1305 1306 1307 1308 1309 1309.1 1309.2 1310 1311 1312 1313 1314 1315 1316	Former Price Former Price of Same Article Bait and Switch Advertising Special Sale Purchase of Additional Merchandise Pre-Ticketing Imperfects, Irregulars, Second or Damaged Factory Outlet Factory Sales Factory Direct Custom Made Labor Free Liquidation Guarantee and Warranty Disclosure of Guarantee Pro-rata Guarantee Secondhand Merchandise	200 to 2,000 200 to 2,000
Article 1 1351 1353 1354 1355 1356 1356.1 1356.2 1356.3 1357 1358 1359 1360	2. Liquid-Filled Bedding Regulation Official Law Labels (waterbeds) Information Label (waterbeds) Water Mattress (waterbeds) Waterbed Lines (waterbeds) Waterbed Frames (waterbeds) Waterbed Frame Addition (waterbeds) Waterbed Deck (waterbeds) Waterbed Riser (waterbeds) Waterbed Heaters (waterbeds) Quality Control (waterbeds) Manufacturing Facilities (waterbeds) Required Consumer Information (waterbeds)	100 to 1,000 100 to 1,000
Article 1 1370 1371 1373.1 1373.2 1374 1374.1 1374.3	I3. Flammability Regulations Flame Resistant, Flame Retardant Mattresses Non-Flame Retardant Polyurethane Foam Flammability; Flexible Polyurethane Foam Flammability; Upholstered and Reupholstered Furniture Exemptions Labeling	250 to 2,500 250 to 2,500 250 to 2,500 250 to 2,500 250 to 2,500 250 to 2,500 100 to 1,000

Article 14. Custom Upholsterers.			
1375	•	150 to 1,500	
1377	Estimate and Work Order Form Requirements	150 to 1,500	
	s and Professions Code Section		
	B. Licensing.		
	Separate license for each branch house	150 to 1,500	
	On his own account	150 to 1,500	
	Contracts for repair of furniture and bedding	150 to 1,500	
	One address, multiple names	150 to 1,500	
19062	Posting of license	100 to 1,000	
Artiala A	Application of Chapter		
	I. Application of Chapter.Sanitization	100 to 1 000	
		100 to 1,000	
	Compliance with chapter defined	150 to 1,500	
	Responsibility for labeling	100 to 1,000 100 to 1,000	
19072.0	Labeling of slip seats	100 10 1,000	
Article 5	5. Labeling.		
	Law label	100 to 1,000	
19083	Attaching labels	100 to 1,000	
	Printing on one side	100 to 1,000	
19085	Advertising on label	100 to 1,000	
19086	Covering label	100 to 1,000	
19087	Removal of labels	250 to 2,500	
19088	Misleading information on labels	200 to 2,000	
19089.3	Waterbed labels	100 to 1,000	
19089.5	Non fire retardant material label	250 to 2,500	
19092	Secondhand material label	100 to 1,000	
19093	Custom Upholster label	100 to 1,000	
Article 6	5. Sanitization.		
	Resale of soiled bedding	100 to 1,000	
19121	Testing of sanitization equipment	100 to 1,000	
	Sanitization of secondhand filling	100 to 1,000	
	Sanitization for resale	100 to 1,000	
	Sanitization of secondhand bedding	100 to 1,000	
	Sanitization in accordance with regulations	100 to 1,000	
	Affixing sanitization label	100 to 1,000	
	Illegal possession of sanitization label	100 to 1,000	
	Sanitizer label records	100 to 1,000	
19129		100 to 1,000	
19131	Sanitization of bedding contagious disease	250 to 2,500	
19132	Separation of sanitized items from unsanitized items	100 to 1,000	
10102	Coparation of Carmizou Romo Hom anountized Romo	. 55 15 1,000	
Article 7. Regulations.			
19150	False advertising	200 to 2,000	
19151	Misleading illustrations	200 to 2,000	

19152	Unconditional warranties	200 to 2,000
19158	Custom upholsterer ID label	100 to 1,000
19160	Cleanliness of premises	100 to 1,000
19161	Fire retardant requirements	250 to 2,500
19161.3	Fire retardant polyurethane foam	250 to 2,500
19162	Custom upholsterer estimate	150 to 1,500
19163	Custom upholsterer work order	150 to 1,500
19165	Insulation product testing	250 to 2,500

Article 9. Enforcement.

19204	Removal of Withhold tag	250 to 2,500
19205	Failure to produce withheld products	250 to 2,500
19206	Interference with an inspector's duties	250 to 2.500

^{*}References for Rules are to sections of Title 4 of the California Code of Regulations. Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.